

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-2, 4-14, 16-23, and 25 are pending in this application. Claims 26-30 have been withdrawn from consideration.

### **Rejections Under 35 U.S.C. § 103**

#### *Claims 1-2, 4-9, 11-12, 14, 16-23 and 25*

In Section 4 of the Office Action, Claims 1-2, 4-9, 11-12, 16-23 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,498,861 (Hamid et al.) in view of U.S. Patent No. 6,070,159 (Wilson et al.) and further in view of U.S. Patent No. 6,072,894 (Payne). Applicants respectfully traverse the rejection.

There are at least three reasons why the rejection cannot be properly maintained. First, none of these references (including Payne) discloses, teaches, or suggests creating a “multi-modal chronological dossier of the individual, wherein the time information includes when the media, biometric, and database information is captured,” as required by independent claims 1 and 14. Moreover, none of the references cited (including Payne) discloses, teaches, or suggests assigning timing information to form a “history of captured information including times of when the media, biometric, and database information is captured,” as required by independent claim 21.

Payne describes an “applicant screening system” where a photographic image of a person’s face is compared to facial images stored in a database. The comparison is used to

determine if the same person is opening multiple accounts at the same financial institution or if the person applying for an account is a known perpetrator whose facial image is stored in a check perpetrator database. (See Payne, Col. 10 and 11.) Payne does not describe creating a chronological dossier of an individual. The system in Payne compares facial images stored in a database, referred to as facebase 26. Payne identifies the facebase as containing the following databases:

27 a **checking account applicants database**, facial images of applicants for new checking accounts 28A a **geographic database**, geographic location of each applicant screening branch 28B a **check perpetrator database**, facial images of known check fraud perpetrators 28C a drivers' license applicants database, **facial images of applicants for drivers' licenses** 28D a prior application history database

(Payne, Col. 7, lines 34-45, emphasis added.)

None of these databases contain a “multi-modal chronological dossier of the individual” or a history of an individual. Payne fails in the same way Wilson et al. fails to show the claim limitations recited by the Applicants. In the previous Response filed in the present application, Applicants pointed out that Wilson et al. does not disclose a “chronological dossier” because date of birth information is a single data point and, as a result, does not provide enough information to form a collection arranged based on events in time—which is what a “chronological dossier” of an individual is. Payne also only provides single data points—the application date—for applicants being screened for a new account. Like Wilson et al., there is no disclosure, suggestion or teaching in Payne that chronological dossiers or histories of individuals are created.

Second, there is no suggestion or motivation to combine the teachings of these references. On page 4 of the Office Action, the Examiner states:

Payne teaches including time information (i.e. the timestamp, col. 6, lines 6-10, col. 9, lines 16-28) with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual...

To establish a prima facie case of obviousness based on a combination of prior art references under 35 U.S.C. § 103(a), the Examiner must first show that there is a suggestion or motivation to combine the teachings of those references. This may come in the form of some objective teaching in the prior art or, alternatively, knowledge generally available to one of ordinary skill in the art at the time of the invention that would lead that individual to combine the relevant teachings of the references. When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper. Ex parte Skinner, 2 U.S.P.Q.2d 1788 (Bd. Pat. App. & Inter. 1986).

The Examiner indicates that Payne's teachings "would have enabled Hamid's user's to quickly obtain a biometric facial comparison capability that can be readily accessible across organizational boundaries, affordable, and work in a short period of time." (Office Action, pages 4-5.) However, the Examiner's statement is merely stating an alleged **result** of the combination and not a **motive** for the combination. Applicants respectfully assert that the Examiner is required to provide a motivation or suggestion for the combination.

Third, Wilson et al. cannot be combined with Payne when Wilson et al. teaches away from what the Examiner alleges Payne teaches. Wilson et al. states: "The records 12 and/or indexes of the data groups 25 of the database 20 are preferable generally evenly distributed or uniformly assigned across the data groups 20." (Col. 9, lines 28-30) The fact that Wilson et al. "evenly distributes" or "uniformly assigns" records or indexes teaches the use of a particular organizational structure, not a chronological dossier, as claimed by the Applicants. Moreover, the "evenly distributes" or "uniformly assigns" feature in Wilson et al. **teaches away** from the use of an arrangement based on time. Time entries for captured information in a chronological dossier would not be "uniform" or "evenly distributed." It is improper to combine references where the references teach away from their combination. See M.P.E.P. 2145.

For at least the reasons above, independent claims 1, 14, and 21 are patentable over the combination of Hamid et al., Wilson et al., and Payne. Claims 2, 4, 9, and 11-12 depend from

independent claim 1. Claims 16-20 depend from independent claim 14. Claims 22-23 and 25 depend from independent claim 21. These claims are patentable for at least the same reasons the independent claims are. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-2, 4-9, 11-12, 16-23 and 25.

Claim 10

In Section 5 of the Office Action, Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamid et al., in view of Wilson et al., and further in view of U.S. Patent No. 6,505,193 (Musgrave et al.). Applicants traverse the rejection.

Claim 10 depends from independent claim 1. On page 4 of the Office Action, the Examiner admits that Hamid et al. and Wilson et al. do not teach “including time information with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual, wherein the time information includes when the media, biometric, and database information is captured,” required by claim 1. As Applicants pointed out in the previous Response, Musgrave et al. also fails to teach this limitation. Examiner has not argued otherwise. Accordingly, based on the Examiner’s own admissions, the combination of Hamid et al., Wilson et al., and Musgrave et al. fails to disclose, teach, or suggest the limitations of claim 10.

Accordingly, Applicants respectfully request withdrawal of the rejection of claim 10.

Claim 13

In Section 6 of the Office Action, Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamid et al., in view of Wilson et al., and further in view of U.S. Publication No. 2001/0056434 (Kaplan et al.). Applicant traverses the rejection.

Claim 13 depends from independent claim 1. On page 4 of the Office Action, the Examiner admits that Hamid et al. and Wilson et al. do not teach “including time information

with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual, wherein the time information includes when the media, biometric, and database information is captured,” required by claim 1. As Applicants pointed out in the previous Response, Kaplan et al. also fails to teach this limitation. Examiner has not argued otherwise. Accordingly, based on the Examiner’s own admissions, the combination of Hamid et al., Wilson et al., and Kaplan et al. fails to disclose, teach, or suggest the limitations of claim 13.

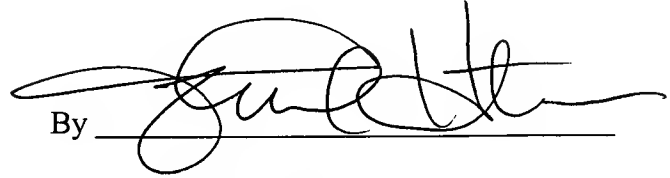
Accordingly, Applicants respectfully request withdrawal of the rejection of claim 13.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Respectfully submitted,

By 

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